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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF ARIZONA**

Sean Bennett, an individual,  
Plaintiff,

vs.

City of Phoenix, a governmental entity;  
American Airlines, Inc., a foreign  
corporation; Officer Joel Cottrell and Jane  
Doe Cottrell, a married couple; Officer  
Benjamin Denham and Jane Doe Benham,  
a married couple; Officer Todd Blanc and  
Jane Doe Blanc, a married couple; Officer  
Peru and Jane Doe Peru, a married couple;  
Sergeant Hogan and Jane Doe Hogan, a  
married couple,  
Defendants.

No.: CV-23-02425-PHX-ROS (DMF)

**PLAINTIFF'S NOTICE OF  
VOLUNTARY DISMISSAL  
WITHOUT PREJUDICE OF  
CERTAIN CLAIMS AS TO  
CERTAIN DEFENDANTS**

(Assigned to the Honorable Roslyn O.  
Silver and referred to the Honorable  
Deborah M. Fine for all pretrial  
proceedings)

Through counsel undersigned and pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i), Plaintiff Sean Bennett hereby notifies the Court and the parties of his dismissal without prejudice of: Defendant City of Phoenix from all claims in this action, and; Defendants Officer Joel Cottrell, Officer Benjamin Denham, Officer Todd Blanc, Officer Peru, and Sergeant Hogan (collectively, the "Officer Defendants") from Counts III through VII in this action. Rule 41 entitles Plaintiff to do so. *See Romoland v. Inland Empire*, 548 F.3d 738, 748 (9th Cir. 2008) ("Federal Rule of Civil Procedure 41 allows plaintiffs voluntarily

1 to dismiss some or all of their claims against some or all defendants.”); *see also Concha v.*  
2 *London*, 62 F.3d 1493, 1506 (9th Cir. 1995) (“The plaintiff may dismiss either some or all  
3 of the defendants — or some or all of his claims — through a Rule 41 (a)(1) notice.” (citing  
4 *Pedrina v. Chun*, 987 F.2d 608, 609 (9th Cir. 1993))). Because neither Defendant City of  
5 Phoenix nor any of the Officer Defendants have filed an answer or a motion for summary  
6 judgment, the dismissals set forth above are effective upon the filing of this Notice. *See*  
7 Fed. R. Civ. P. 41(a)(1)(A)(i).  
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10 **RESPECTFULLY SUBMITTED** this 19th day of December 2023.

11 **MILLS + WOODS LAW, PLLC**

12  
13 By /s/ Sean A. Woods  
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**CERTIFICATE OF SERVICE**

I hereby certify that on December 19, 2023, I electronically transmitted the foregoing document to the Clerk's Office using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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/s/ Ben Dangerfield